

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Michael Abram,

Plaintiff,

v.

Case No. 14-cv-11431

Hon. Judith E. Levy

Mag. David R. Grand

Corizon Health, Inc., *et al.*,

Defendants.

**AMENDED OPINION & ORDER ADOPTING REPORT &
RECOMMENDATION [52] AND GRANTING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT [45]**

Plaintiff Michael Abram is a former Michigan Department of Corrections (“MDOC”) prisoner and current parolee. At all times relevant to this complaint, Abram was confined in either the Central Michigan Correctional Facility in St. Louis, Michigan or the Pugsley Correctional Facility in Kingsley, Michigan. (Dkt. 1.) On April 3, 2014, he filed this *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983, alleging violation of his Eighth Amendment right to be free from cruel and unusual punishment and violation of his First Amendment right to free speech. Plaintiff alleges that defendants Corizon Health, Inc.,

Registered Nurse Penny Parsons, Registered Nurse Commins, Dr. Joseph Burtch, and Dr. Harriet Squier failed to provide him with timely health care and that Assistant Resident Unit Supervisor Troy Pendall retaliated against him for filing grievances related to his health care complaints.

On March 6, 2015, the Court adopted Magistrate Judge David Grand's Report and Recommendation (Dkt. 44) and dismissed plaintiff's claims against defendants Pendall and Parsons. Defendants Corizon, Dr. Burtch, and Dr. Squier filed a motion for summary judgment on March 14, 2015. (Dkt. 45.) Plaintiff did not respond to that motion.

This matter is currently before the Court on Magistrate Judge Grand's June 23, 2015 Report and Recommendation, in which he recommended granting defendants Corizon, Dr. Burtch, and Dr. Squier's motion for summary judgment. (Dkt. 52.)

No party has filed objections to the Report and Recommendation, and the time for doing so has expired. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). The failure to object to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). The

failure to object also relieves this Court from its duty to review this matter independently. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court has carefully reviewed the Report and Recommendation, defendants' motion, and the record as a whole, and agrees with the findings and conclusions of the Magistrate Judge.

For this reason, the Magistrate Judge's Report and Recommendation is ADOPTED.

Defendants Corizon, Dr. Burtch, and Dr. Squier's motion for summary judgment (Dkt. 45) is GRANTED and the claims against those defendants are DISMISSED.

SO ORDERED

Dated: July 21, 2015
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 21, 2015.

s/Felicia M. Moses
FELICIA M. MOSES
Case Manager